

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

GIULLIAN STEELE et al.

vs.

LEASING ENTERPRISES, LTD.

§
§
§
§
§

CIVIL ACTION NO. 4:09-CV-02789
(COURT UNIT OF JUDGE HUGHES)
[JURY TRIAL DEMANDED]

ORDER

Following its issuance of Findings and Conclusions, the Court conducted a hearing on October 8, 2014 to consider the issue of damages for the collective participants.

During the hearing on October 8, 2014, the Court admitted two charts, marked as Exhibits “A” (detailed chart) and “B” (summary chart), identifying ineligible participants and showing wages for eligible participants. Counsel for Plaintiffs indicated during the hearing that they had no objection to the information as stated in the charts, and he also indicated that Plaintiffs had decided not to submit evidence to the Court regarding post-trial actions by Perry’s.

Now, consistent with the evidence admitted during the trial and the October 8, 2014, hearing, the Court FINDS that the following claimants are not eligible to participate in any recovery and the Court ORDERS that these individuals’ claims are DISMISSED WITH PREJUDICE:

LAST	FIRST	FILE #	CONSENT FILED	2-YEARS BACK	INELIGIBLE BECAUSE
Aleman	Raul	1-2	01/12/2010	01/12/2008	Dismissed from Lawsuit
Alvarez	Marcus	127	12/14/2010	12/14/2008	Term date 9-1-2007
Apple	Katherine	101	11/11/2010	11/11/2008	Term date 2-25-2008
Barron Jr.	Thomas	223	02/11/2013	02/11/2011	Term date 5-29-2010
Behrns (Furuya)	Tamara	122	12/06/2010	12/06/2008	Term date 9-3-2008
Bell	Meranda	308	03/12/2013	03/12/2011	Did not work for LEL
Boyd (Leach)	Sara	113	11/23/2010	11/23/2008	Term date 1-4-2007
Bueche	Michelle	89	11/02/2010	11/02/2008	No server hours during time period
Burge	Samantha	127	12/14/2010	12/14/2008	Bartender hours only
Camarillo	Timothy	124	12/08/2010	12/08/2008	Term date 5-19-2007
Camarillo (Howell)	Mindy	124	12/08/2010	12/08/2008	Term date 5-4-2007
Castro	Kristina	127	12/14/2010	12/14/2008	Bartender hours only
Cespedes	Natalie	94	11/08/2010	11/08/2008	Term date 3-4-2008

LAST	FIRST	FILE #	CONSENT FILED	2-YEARS BACK	INELIGIBLE BECAUSE
Connolly	Sean	105	11/15/2010	11/15/2008	Term date 1-19-2007
Contreras	Jason	91	11/04/2010	11/04/2008	Term date 8-21-2007
Courtney	Derek	93	11/05/2010	11/05/2008	Term date 2-9-2008
Davenport (Szymczak)	Stephanie	113	11/23/2010	11/23/2008	Term date 1-4-2007
Faysal	George	117	11/29/2010	11/29/2008	Did not work for LEL
Federlein	Jeremiah	107	11/17/2010	11/17/2008	Term date 3-3-2007
Fries	John	127	12/14/2010	12/14/2008	Term date 8-10-2007
Galdenzi	Michael	94	11/08/2010	11/08/2008	Term date 7-27-2008
Garcia	Joshua	75	11/01/2010	11/01/2008	Term date 3-22-2007
Gonzales	Guadalupe	106	11/16/2010	11/16/2008	Term date 9-11-2008
Haas	Scott	105	11/15/2010	11/15/2008	Term date 7-28-2008
Hamp	Danielle	117	11/29/2010	11/29/2008	Term date 7-31-2008
Harris	Fredricka	316	03/28/2013	03/28/2011	Did not work for LEL
Haven	Douglas	289	03/01/2013	03/01/2011	Did not work for LEL
Herzog	Brandon	130	12/17/2010	12/17/2008	No server hours during time period
Huckabee	Aaron Joel	313	03/28/2013	03/28/2011	No server hours during time period
Hugi	Jean	94	11/08/2010	11/08/2008	Term date 10-13-2007
Jacobs	Jennifer	127	12/14/2010	12/14/2008	Term date 11-19-2007
Johnson	Jerome	233	02/13/2013	02/13/2011	Term date 12-26-2009
Kelley	Ruth	91	11/04/2010	11/04/2008	Term date 2-29-2008
King	Joel	127	12/14/2010	12/14/2008	Term date 7-12-2008
Kinsey	Wade	94	11/08/2010	11/08/2008	Term date 1-2-2008
Kovach	Carolyn	91	11/04/2010	11/04/2008	Term date 2-23-2008
Kuhfeldt	Christopher	66	10/27/2010	10/27/2008	No server hours during time period
Lara	Josefina	109	11/19/2010	11/19/2008	Training shifts only (\$7.25 per hour)
Larson	Jeff	94	11/08/2010	11/08/2008	Term date 9-25-2007
Lovell	Deirdre	119	11/30/2010	11/30/2008	No server hours during time period
Martinez	Crissy	104	11/12/2010	11/12/2008	Term date 11-10-2008
Masters	Brian	124	12/08/2010	12/08/2008	Last day as server 11- 13-2007
Max	Joshua	117	11/29/2010	11/29/2008	No server hours during time period

LAST	FIRST	FILE #	CONSENT FILED	2-YEARS BACK	INELIGIBLE BECAUSE
McHenry	Travis	320	04/04/2013	04/04/2011	Consent filed after 4-3-2011
Medina	Christian	101	11/11/2010	11/11/2008	Term date 2-17-2007
Mills	Richard L	235	02/13/2013	02/13/2011	Term date 5-4-2010
Milward	Jamie	117	11/29/2010	11/29/2008	Term date 1-12-2007
Morris	Daron	117	11/29/2010	11/29/2008	Term date 4-26-2006
Neuman	Paul		03/04/2013	03/04/2011	Second consent-Court denied (Dkt#324)
Ochoa	Luis	91	11/04/2010	11/04/2008	Term date 3-25-2007
Piper	Matthew Burton	126	12/10/2010	12/10/2008	Term date 4-17-2007
Piper (Lersch)	Christy	126	12/10/2010	12/10/2008	Term date 1-12-2007
Postler	Andrew		03/28/2013	03/28/2011	Second consent-Court Denied (Dkt #324)
Reeves	Devin	121	12/03/2010	12/03/2008	No server hours during time period
Rzemek	James	134	01/03/2011	01/03/2009	No server hours during time period
See	Kelly	117	11/29/2010	11/29/2008	Term date 6-22-2007
Shenal	Richard	91	11/04/2010	11/04/2008	Term date 3-12-2008
Soto	Adrian	120	12/01/2010	12/01/2008	Term date 8-4-2007
Szymczak	Marie	119	11/30/2010	11/30/2008	Term date 1-3-2008
Taylor	Emily	95	11/09/2010	11/09/2008	Term date 9-20-2007
Van Etten	Katherine	247	02/19/2013	02/19/2011	Term date 7-20-2010
Waterbury	Christopher	83	11/01/2010	11/01/2008	Term date 1-13-2007
Wedderburn	Howard	309	03/12/2013	03/12/2011	Did not work for LEL
Wilson	Kimberly	104	11/12/2010	11/12/2008	Term date 12-22-2007
Wilson	Vanessa	124	12/08/2010	12/08/2008	No server hours during time period
Yardley	Stephanie	105	11/15/2010	11/15/2008	Term date 12-10-2007
Yee	Charlotte	127	12/14/2010	12/14/2008	Did not work for LEL

The Court also FINDS that the remaining claims are sustained in the amounts shown in the charts admitted as Exhibits "A" (detailed chart) and "B" (summary chart) during the October 8, 2014 hearing. For those eligible claimants who are still employed with Perry's, the Court ORDERS Perry's to pay these individuals directly by a separate payroll check. For all other eligible claimants, the Court ORDERS Perry's to prepare a separate check for each such claimant in the amount of the wage claim applicable to that person, as reflected on the charts, and to deliver all such checks to Plaintiffs' counsel for distribution.

All other claims of the Plaintiffs are dismissed with prejudice.

Signed on _____, 2014, at Houston, Texas.

Lynn N. Hughes
United States District Judge